



Rec'd PTO 24 JAN 2002

Docket Number: A2996A US

Page 1 of 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Kin T. YU, et al
Serial No.: 09/744,788
Filed: January 30, 2001
For: ISOFORMS OF HUMAN CALCIUM SENSING
RECEPTOR

To: Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Date: Dec. 14, 2001

DOLLY KAPADIA
(Type or print name of person mailing paper)

Dkapadia
(Signature of person mailing paper)

STATEMENT ESTABLISHING THE PROPRIETARY INTEREST OF
ASSIGNEE UNDER 37 C.F.R. § 1.47(b)

I, Gerald V. Dahling having an address of Aventis Pharmaceuticals Inc., Route 202-206, P.O. Box 6800, Bridgewater, NJ 08807-0800, make application for patent of the above-identified application on behalf of Inventor Larry THROWER in order to preserve the rights of assignee Aventis Pharmaceuticals Products Inc. a Delaware corporation (hereinafter referred to as "APPI"), and make this statement to the facts establishing that Inventor THROWER has assigned all of his rights, title and interest in the above-identified application to APPI.

As of the date I sign the instant Statement, the propriety interest in the invention clearly belongs to APPI, having an address of Route 202-206, P.O. Box 6800, Bridgewater, NJ 08807-0800. I am authorized to sign this statement on behalf of APPI as Senior Vice President of Global Patents.

The instant Application was filed under 35 U.S.C. § 371 and claimed the priority of International Application Number PCT/US99/17116 having an international application filing date of July 28, 1999, which in turn, claimed priority of U.S. Provisional Application Number 60/094,702 (hereinafter referred to as the “702 application”) filed July 30, 1998. On November 16, 1998, Inventor THROWER executed an assignment in which he assigned his entire right, title and interest in the ‘702 application, as well as *inter alia*, his entire right, title and interest in and to:

...every patent application filed or to be filed on the said invention and internationally, including renewals, revivals, continuations, divisions....

to Rhône-Poulenc Rorer Pharmaceuticals Inc., a Delaware corporation (hereinafter referred to as “RPRPI”) and its successors, assigns and legal representatives. A copy of the executed assignment is attached hereto and labeled “Exhibit A”.

On December 15, 1999, RPRPI filed a Certificate of Amendment with the State of Delaware to change the name of RPRPI to APPI, and on that same day, the Secretary of the State of Delaware issued a certificate of Amendment changing the name of RPRPI to APPI. Copies of these two documents are attached hereto as “Exhibit B” and “Exhibit C”, respectively.

The attached documents clearly demonstrate that Inventor THROWER has assigned all of his rights in the above-identified application to Aventis Pharmaceuticals Products Inc.

APPI has spent considerable funds in the development and legal protection of the instant Invention in the United States. Consequently, APPI files this petition in order to preserve its rights in the instant Application and to prevent irreparable damage to itself.

I, Gerald V. Dahling further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and

that such willful false statements may jeopardize the validity of this application or any registration issuing thereon.

Date: 12/14/01

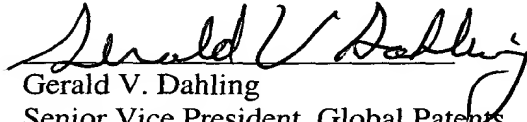

Gerald V. Dahling
Senior Vice President, Global Patents
Aventis Pharmaceuticals Products Inc.

EXHIBIT A

ASSIGNMENT AND AGREEMENT

For value received and intending to be legally bound, we, the undersigned joint inventors (Assignors), sell, assign and transfer to RHÔNE-POULENC RORER PHARMACEUTICALS INC. (Assignee), having a principal place of business at 500 Arcola Road, Collegeville, Pennsylvania 19426-0107, U.S.A., and its successors, assigns and legal representatives, the entire right, title and interest in and to our invention relating to

ISOFORMS OF HUMAN CALCIUM SENSING RECEPTOR

as disclosed and claimed in U.S. provisional application Serial No. 60/094,702, filed July 30, 1998, as and under any and all Letters Patent which may be granted therefor, and all right, title and interest in and to every patent application filed or to be filed on said invention in the United States and internationally, including renewals, revivals, continuations, divisions and any substitute applications of said United States application, and any and all patents which may issue thereon, and any reissues and extensions of the same.

We authorize and request competent authorities to grant and issue any and all patents on said invention to said assignee or its successors, assigns and legal representatives, or to such nominees as said assignee may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said invention in any and all countries and for vesting title thereto in said assignee, its successors, assigns, legal representatives or nominees.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

Signed at COLLEGEVILLE, PA, USA on this 11 day of NOVEMBER 1998.
(City, State and Nation)

Signature: Kin Tak Yu

Inventor's Name: Kin Tak Yu
Residential Address: 26 Galie Way
Limerick, Pennsylvania 19468
U.S.A.

Signed at Collegeville, PA USA on this 16 day of November 1998.
(City, State and Nation)

Signature: Larry W. Thrower

Inventor's Name: Larry W. Thrower
Residential Address: 1204 Brooke Drive
Royersford, Pennsylvania 19468
U.S.A.

Signed at Collegeville on this 20 day of November 1998.
(City, State and Nation)

Signature: _____

Inventor's Name: _____

Residential Address: _____

Richard F. Labaudiniere
220 Richard Way
Collegeville, Pennsylvania 19426
U.S.A.

EXHIBIT B

CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION
OF
RHONE-POULENC RORER PHARMACEUTICALS INC.

The undersigned, being officers of Rhône-Poulenc Rorer Pharmaceuticals Inc. (the "Company"), for the purpose of amending the Certificate of Incorporation pursuant to the provisions of Sections 228 and 242 of the Delaware General Corporation Law, hereby execute the following Certificate of Amendment:

FIRST: The name of the corporation is RHONE-POULENC RORER PHARMACEUTICALS INC.

SECOND: The following amendment was adopted by the directors and sole shareholder in the manner prescribed by the Delaware General Corporation Law:

Article FIRST of the Certificate of Incorporation is hereby amended to read as follows:

"The name of the corporation is Aventis Pharmaceuticals Products Inc."

IN WITNESS WHEREOF, the undersigned have caused this Certificate of Amendment of the Certificate of Incorporation to be duly executed by its Senior Vice President and attested by its Assistant Secretary this 15th day of December, 1999.

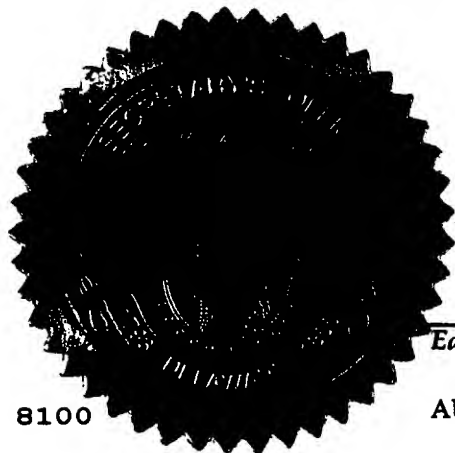
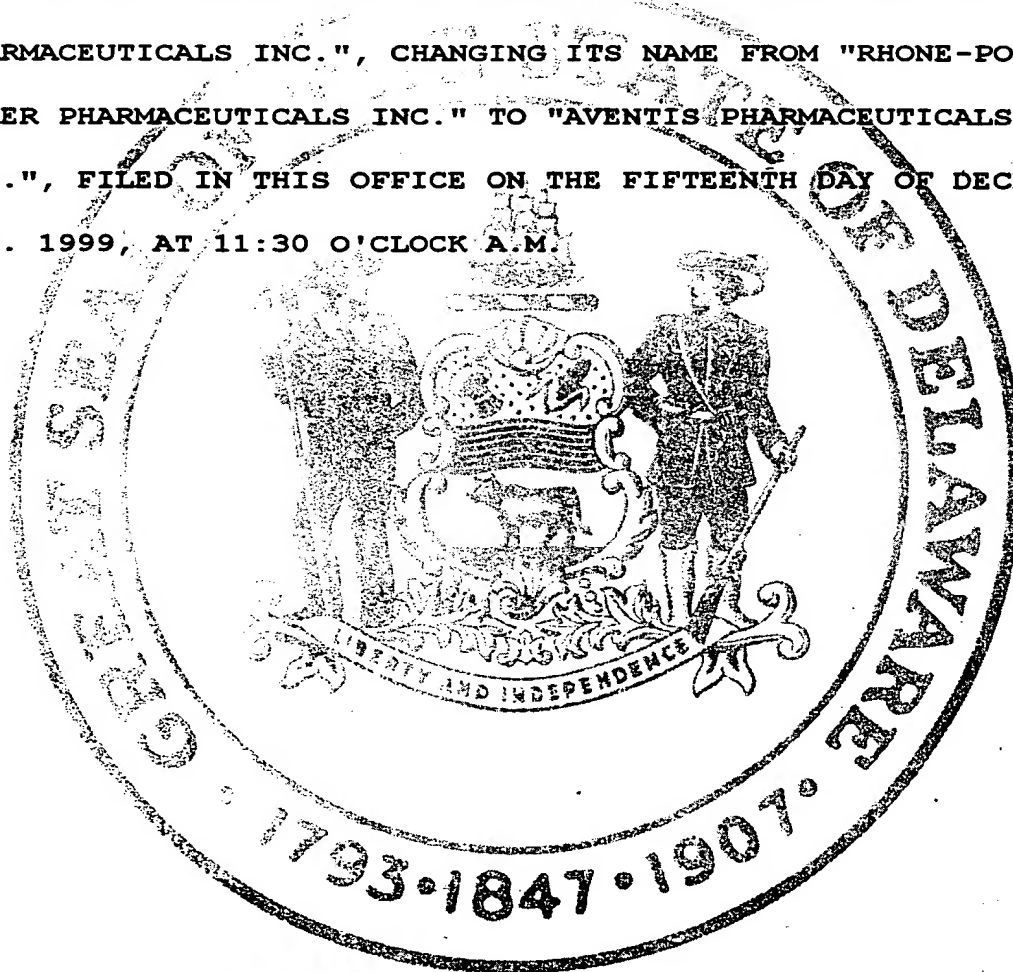
RHONE-POULENC RORER PHARMACEUTICALS INC.

By: 
John R. Leone
Senior Vice President & General Manager

EXHIBIT C

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "RHONE-POULENC RORER PHARMACEUTICALS INC.", CHANGING ITS NAME FROM "RHONE-POULENC RORER PHARMACEUTICALS INC." TO "AVENTIS PHARMACEUTICALS PRODUCTS INC.", FILED IN THIS OFFICE ON THE FIFTEENTH DAY OF DECEMBER, A.D. 1999, AT 11:30 O'CLOCK A.M.



Edward J. Freel

Edward J. Freel, Secretary of State

0631221 8100

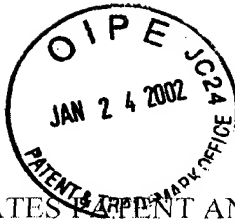
991542800

AUTHENTICATION:

0145884

DATE:

12-16-99



Aventis File No.: A2996A US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Richard LABAUDINIERE, et al
Serial No.: 09/744,788
Filed: January 30, 2001
For: ISOFORMS OF HUMAN CALCIUM SENSING RECEPTOR

To: Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

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Date: Dec. 14, 2001

DOLLY KAPADIA
(Type or print name of person mailing paper)

D Kapadia
(Signature of person mailing paper)

**DECLARATION OF ANDREA Q. RYAN
UNDER 37 C.F.R. § 1.68**

Andrea Q. Ryan declares and states as follows:

1. I am employed by Aventis Pharmaceuticals Inc. (API) as Manager, Patent Paralegal Group. I am responsible for monitoring and coordinating formal requirements for foreign and domestic patent applications owned and managed by API, including patent properties for API's wholly-owned subsidiary, Aventis Pharmaceuticals Products Inc. (APPI).

2. The subject application was filed on January 30, 2001. The USPTO issued a Notice of Missing Parts dated May 14, 2001. In response to the Notice of Missing Parts, a Declaration/Power of Attorney and an Assignment were prepared and sent individually to each inventor of the subject application, Richard LABAUDINIERE,

Larry THROWER, and Kin T. YU. Inventors, LABAUDINIERE, and YU promptly returned the executed documents. Inventor THROWER's documents were never returned.

3. In an attempt to locate inventor, THROWER, on October 26, 2001, I called joint inventor, YU and asked if he had a new address for THROWER. Inventor YU had no details; however, he believed that THROWER was in California attending the University of California Law School.

4. On October 26, 2001, I searched via the world wide web at www.yahoo.com public records and found an address for Larry Thrower at 5090 Haven Place, Concord, California 94518 and phone number (650) 349-0607. I called the phone number and was advised that it was disconnected. Attached please find the results of my search.

5. On October 26, 2001, I also searched via the world wide web at www.law.berkeley.edu/directory, the University of California School of Law phone directory and did not find any details for THROWER. Attached please find the results of my search.

I, Andrea Q. Ryan, declare further that all statements made herein are of my own knowledge true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any registration issuing thereon.

December 13, 2001
Date

Andrea Q. Ryan
Andrea Q. Ryan

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Aventis File No.: A2996A US

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In re the Application of: Kin T YU, et al
Serial No.: 09/744,788
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Date: Dec. 14, 2001

DOLLY KAPADIA
(Type or print name of person mailing paper)
Dkapadia
(Signature of person mailing paper)

**DECLARATION OF WILLIAM C. COPPOLA
UNDER 37 C.F.R. § 1.68**

William C. Coppola declares and states as follows:

1. I am employed by Aventis Pharmaceuticals Inc. (API) as a patent attorney. One of my responsibilities is the prosecution of patent applications in the United States Patent and Trademark Office (USPTO)

2. The subject application was filed on January 30, 2001. The USPTO issued a Notice of Missing Parts dated May 14, 2001. On June 12, 2001, I prepared and transmitted an email to Inventor YU to obtain any information he may have had

regarding the whereabouts of Inventors LABAUDINIERE and THROWER. A copy of this email is attached hereto.

3. On June 20, 2001, Inventor YU responded to my email of June 12th. Inventor YU stated that he did not have any contact information with respect to Inventors LABAUDINIERE and THROWER. A copy of this email is also attached hereto.

4. On July 2, 2001, I again emailed Inventor YU requesting that he provide me any information "...even if rumors..." regarding the whereabouts of Inventors LABAUDINIERE and THROWER. A copy of this email is also attached hereto.

5. On July 19, 2001, Inventor YU responded to my email of July 2, 2001, and stated that Inventor THROWER was last employed at GenCell in Hayward, California.

6. Approximately 1-2 weeks after receiving Inventor YU's email of July 2, 2001, I performed an internet search to obtain the telephone number for GenCell in Hayward, CA, and telephoned GenCell. I left a message on the voice mail system at GenCell identifying myself, inquiring whether Inventor THROWER was an employee of GenCell, and if so, that he contact me. I left my telephone number and email address on the voice mail message.


7. Approximately 3-4 weeks after I left my voice mail message with GenCell, I received communication from an employee of GenCell that Inventor THROWER was not an employee of GenCell.

8. I, William C. Coppola, declare further that all statements made herein are of my own knowledge true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false

statements may jeopardize the validity of this application or any registration issuing thereon.

Date

12/17/01


William C. Coppola

Coppola, William PH/US



Fr m: Yu, Kin T. PH/US
S nt: Thursday, July 19, 2001 8:46 AM
To: Coppola, William PH/US
Subject: RE: Patent Application: "Isoforms of Human Calcium Sensing Receptor"

Hi Bill,

Dr Labaudiniere current address is :

Genome Therapeutics, Waltham, MA.

For Mr Larry Thrower:

He was last employed by GenCell in Hayward. You could call people there to see if he is still there.

Thanks

Kin

-----Original Message-----

Fr m: Coppola, William PH/US
Sent: Monday, July 02, 2001 9:53 AM
To: Yu, Kin T. PH/US
Subject: RE: Patent Application: "Isoforms of Human Calcium Sensing Receptor"

Please let me know if you have any information, even if rumors, regarding where they might have gone.

Thanks.

-----Original Message-----

From: Yu, Kin T. PH/US
Sent: Wednesday, June 20, 2001 1:38 PM
To: Coppola, William PH/US
Subject: RE: Patent Application: "Isoforms of Human Calcium Sensing Receptor"

Dear Bill,

I will be sending the signed form to you today. As to Drs. Labaudiniere and Thrower, I do not have their contact information.

Thanks

Kin

-----Original Message-----

From: Coppola, William PH/US
Sent: Tuesday, June 12, 2001 11:57 AM
To: Yu, Kin T. PH/US
Cc: Krupen, Karen PH/US; Ryan, Andrea Q. PH/US
Subject: Patent Application: "Isoforms of Human Calcium Sensing Receptor"

Dear Dr. Yu:

Attached hereto is a Declaration and Power of attorney for the above-identified application. Kindly print the attachment, sign the attachment in the appropriate place with blue ink, and return the signed document to me so that it can be submitted to the US Patent Office.

Also, I noticed in the corporate directory that Doctors Labaudiniere and Thrower are no longer with the

*company. Do you have a telephone No. or address for them? If so, please forward any information you have on them to me so that I can submit this document to them for signature.

Thanks very much for your kind cooperation regarding this matter.

Regards,

Bill Coppola
Patent Attorney

<< File: A2996A-DecPOA.doc >>